



**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

Room 932
Legislative Office Building
Albany, New York 12248
(518) 455-3791

SHELDON SILVER
Speaker of the Assembly

August 24, 2012

Assemblymember Vito Lopez
434 South 5th Street
Brooklyn, NY 11211

Dear Assemblymember Lopez:

I have been advised by the Standing Committee on Ethics and Guidance that it has concluded its investigation of a complaint made by two employees of the New York State Assembly alleging that your conduct toward them violated the Assembly's Sexual Harassment/Retaliation Policy.

The Committee unanimously found as follows:

1. That complainants' allegations of unwelcome verbal and physical conduct of a sexual nature were credible, including:
 - That there was pervasive unwelcome verbal conduct by you toward both complainants from early June 2012 until the time they made complaints of sexual harassment in mid-July 2012, including repeated comments about their physical appearance, their bodies, their attire, and their private relationships;
 - That the unwelcome verbal and physical conduct escalated over time;
 - That there were multiple incidents of unwelcome physical conduct toward one complainant, wherein you put your hand on her leg, she removed your hand, and you then put your hand between her upper thighs, putting your hand as far up between her legs as you could go;
 - That you required one of the complainants to take a trip with you to Atlantic City in July 2012, and that you attempted to kiss her, that she struggled to fend you off before you stopped, and that on the drive back from Atlantic City you again put your hand between her legs; and
 - That other incidents of unwelcome physical conduct occurred, including holding one complainant's hand and playing with her hair.
2. That complainants' perception that such conduct created an intimidating, hostile and offensive working environment was reasonable;
3. That complainants' allegations that you required them to write to you about how much they loved their jobs and cared about you, and that you criticized their notes for being insufficiently effusive, were credible;
4. That your response was not credible; and
5. That you violated the Assembly's Sexual Harassment/Retaliation Policy, which appropriately provides that every Assembly employee is entitled to an employment environment free from sexual harassment and that sexual harassment will not be tolerated within the Assembly workplace.

The Committee thereafter offered its considered judgment that your conduct constituted a violation of the Assembly's Sexual Harassment/Retaliation Policy and that such conduct warrants a response which is designed to stop the harassment and ensure that similar harassment does not recur in the future towards other employees. The Committee unanimously recommended the following:

1. That you be immediately removed as Chair of the Assembly Committee on Housing and that you not be appointed as the Chair of any other committee or to any leadership position;
2. That a letter of censure and admonition be issued publicly by the Speaker on behalf of the House, enumerating the findings of the Committee and indicating that your conduct with respect to this matter violates the Assembly's Policy and is inconsistent with the standards of conduct to which Members of the Assembly should be held;
3. That you are not to have any interns placed or working in your Assembly offices and that you are not to have any employees under the age of 21 in your Assembly offices;
4. That any rights or privileges of seniority currently retained by you be forfeited;
5. That your staff allocation be reduced in the amounts commensurate with the reassignment of the complainants to other Assembly offices and not be replaced with new funding; and that your staff allocation be further reduced in the amounts commensurate with the compensation of any employee who leaves employment in your offices and not be replaced with new funding, and that such attrition process remain in effect until your staff allocation has been reduced to that of a first-term member; and
6. That supplemental sexual harassment training be provided to you and your staff.

I accept the recommendations of the Committee, in full. As a result, please be advised that you are hereby removed as Chair of the Committee on Housing, that any rights or privileges of seniority you currently retain are deemed forfeited, and that your staff allocation will be reduced in a manner consistent with the Committee's recommendation. In addition, you are hereby directed that you are not to have any interns placed or working in your offices, or any employees under the age of 21 in your offices. Supplemental sexual harassment training will be scheduled for you and your staff.

Finally, based upon the foregoing and upon the unanimous recommendation of the Committee on Ethics and Guidance, I hereby censure and admonish you on behalf of the New York State Assembly and its Members and declare that your conduct with respect to this matter violates the Assembly's Sexual Harassment/Retaliation Policy and is inconsistent with the standards of conduct to which Members of the Assembly should be held.

Signed,

A handwritten signature in black ink, appearing to read "Sheldon Silver", written in a cursive style.

SPEAKER